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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,729	11/24/2003	Gerard A. Rutigliano	893.0011USU	2758

7590 06/15/2005

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EXAMINER

COOLEY, CHARLES E

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,729

Applicant(s)

RUTIGLIANO ET AL.

Examiner

Charles E. Cooley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

NON-FINAL OFFICE ACTION

1. This application has been assigned to Technology Center 1700, Art Unit 1723 and the following will apply for this application:

Please direct all written correspondence with the correct application serial number for this application to Art Unit 1723.

Telephone inquiries regarding this application should be directed to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 or to the Examiner at (571) 272-1139. All official facsimiles should be transmitted to (703) 872-9306.

2. As the PTO continues to move towards a fully electronic environment, the office will phase-in its E-Patent Reference program. This program: (1) provides downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions via the E-Patent Reference feature of the Office's PAIR system; and (2) ceases mailing paper copies of U.S. patents and U.S. patent application publications with office actions except for citations made during the international stage of an international application under PCT.

Effective June 2004, paper copies of cited U.S. patents and U.S. patent application publications will cease to be mailed to applicants with Office actions from this Technology Center. Paper copies of foreign patents and non-patent literature will continue to be included with office actions.

The U.S. patents and patent application publications cited in office actions are available for download via the Office's PAIR system. As an alternate source, all U.S.

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patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources.

Inquiries about the use of the Office's PAIR system should be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Requests to restart a period for response due to a missing U.S. patent or patent application publications will not be granted.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The disclosure is objected to because of the following informalities:

a. Page 4: the descriptions of the Figures are incorrect. The description of Figure 2 is actually of Figure 3 (second side view); the description of Figure 3 is actually of Figure 4 (bottom view); and the description of Figure 4 is actually of Figure 2 (top view).

5. The abstract is acceptable.

6. The title is acceptable.

Claim Rejections - 35 U.S.C. § 112, second paragraph

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The pending claims are confusing and indefinite because the recitations of the multiple handles throughout the claims does not follow the handles as described in the specification and shown in the drawings. For example, in claim 1, the body 10 is attached to and thus apparently forms second handle 30 (not the first handle) and the first handle 20 is connected to the second handle 30 formed by the body which contradicts the subject matter of claim 1. Claims 2+ recite details of the third handle (knob 40) that are far removed from the actual structure of the third handle (i.e., the knob does not have said end portions or said central portion). Claim 5 recites the central portion [of the third handle] is connected to the first handle yet knob 40 does not have a central portion and it is actually the central portion 24 of the first handle 20 that is connected to the second handle 30 as seen in Figure 1. Claim 7 recites the second handle is a knob yet it is the third handle 40 that is a knob. All pending claims require revision and proper correlation to that which is described in the specification and shown in the drawing figures. The claims are being treated on the merits to the extent they are understood.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4, 6-15, and 17-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dormeyer (US 1,928,965).

The patent to Dormeyer clearly discloses a motor driven blender having multiple handles 40, 96, and 214 adapted for user manipulation as seen in Figs. 1, 2, and 5.

Note handle 214 is in the form of a knob as seen in Figures 2 and 5.

11. Claims 1-6, 8-9, 11-17, and 19-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Calange (US 6,193,404 B1).

The patent to Calange '404 clearly discloses a motor driven blender having multiple handles 3, 4 (element 3 can be construed as a handle and note the multiple handle sections denoted by 4 in Figure 1) adapted for user manipulation as seen in Figs. 1, 2, and 5.

More particularly, the patent to Calange discloses in FIG. 1, a blender that comprises from the bottom upwards: a removable endpiece 1 fixed to a tube or sleeve 2, the tube 2 being secured to a case 3 which includes an electric motor (not shown) together with electrical connection means for connecting the motor to a source of electricity including a thermal fuse and a loss-of-voltage card. The top of the case 3 has a handle 4 integrally formed thereon, said handle 4 optionally including a switch for controlling the operation of the motor. In FIG. 1, the blender is shown in its operating state.

FIG. 2 is a section through the leading end of the blender comprising the leading end of the tube 2 in which there extends a drive shaft 5 whose top end (not shown) is mechanically connected to the outlet shaft of the motor. Naturally, the shaft 5 is elongate and of sufficient length to ensure that the case 3 is remote from the tool which is designed to operate in fluids, and generally at relatively high temperature. Naturally, like the case, the handle must at all times be kept remote from and outside the preparation. A coupling piece 7 for coupling with the removable endpiece 1 is mounted at the bottom end of the tube 2. The leading end of the piece 7 (on the right-hand side of the figure) has an assembly portion 7a for assembly with a piece 8 whose inside face 8a corresponds to the surface 7a which, in the example shown, is conical. The piece 8 has studs 21 at its top end (only one of which is shown in the figure) capable of engaging in a groove 22 in the piece 7 to form a bayonet fastening. A static gasket 23 is disposed between the pieces 7 and 8. A bell-shaped metal guard 9 is secured to the piece 8 so as to prevent the tool 13 from touching the bottom or the walls of the receptacle and so as to allow the tool to operate by the processed matter being reflected on its walls. In the axial portion, there can be seen an extender 6 secured to the bottom portion of the shaft 5 and extending it. The extender 6 has its leading end inserted in a drive piece screwed into the extender 6, and constituting a drive cage 11 surrounding a drive hub 17.

In FIG. 3, going from right to left, there can be seen the drive shaft 5 and the extender 6, a ball bearing 30 and a ring 30a, the tube 2 having an assembly cup 2a for sealed assembly on the motor housing 3. The bottom portion of the tube 2 carries the

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endpiece and its conical portion 7a. Below that there is a lip gasket 18 and the drive cage 11 which is secured to the shaft 5 by the extender 6.

Similarly, FIG. 4 shows, from top to bottom, the drive hub 17, a cylindrical bearing 16, e.g. made of graphite, the sleeve 8 terminated by the bell 9, and a sealing piece 15 having a low coefficient of friction against which a resilient bellows 14 bears after assembly. Inside the assembly there is mounted a shaft 12, 12a for the tool 13. These elements are shown assembled together in FIG. 2. Inside the drive cage 11 there is mounted, via the hub 17, the smaller diameter end 12a of the shaft 12 whose other end carries the tool 13 which, in the example shown, has three blades. A first level of sealing is provided by the bellows 14, e.g. made of neoprene, having one side bearing against a surface of the piece 15 which is made of ceramic, for example. Because of the resilience of the bellows 14, the tool can move axially through several tenths of a millimeter. Thereafter, the shaft 12 is received in the cylindrical bearing 16. The drive hub 17 is secured by screw engagement to the trailing portion of the shaft 12 and is surrounded by the drive cage 11 secured to the endpiece 6. This rotary endpiece is itself protected against upwardly-traveling liquid by the lip gasket 18, and it rotates in the ball bearing 30.

When rotating in the food preparation, the tool 13 exerts a centrifugal pumping effect which tends to suck liquid into the inside of the tube 2 giving rise to the drawbacks mentioned above. In the appliance of the invention, this problem is solved firstly by the presence of means providing improved sealing, and secondly by the presence of a decompression chamber 19 of appropriate volume formed inside the endpiece around

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the drive members for driving the tool. Sealing is improved by allowing a small amount of axial clearance to the tool which, as mentioned above, presses against the bellows 14 while it is in rotation. To this end, and as can be seen at the top of FIG. 4, the drive hub 17 has ribs 17a while the cage 11 has internally projecting portions 11a (FIG. 3). The projecting portions 11a which bear against the ribs 17a move over a camming surface 17b of the hub 17 so as to attract the shaft 12 and the tool towards the extender 6, thereby producing the desired compression of the bellows gasket 14 as soon as the motor is switched on.

FIG. 3 shows the elements as described above, and in particular the endpiece 7 with its bayonet fastening groove 22.

The bottom portion of FIG. 4 shows clearly that the tool mounted inside the endpiece 1 can easily be dismounted by rotating the tool shaft 12 to disengage the projecting portions 11a from the cam surface 17b, and then rotating the sleeve 8 so that the studs or teeth 21 of the sleeve face the inlets to the grooves 22. The endpiece can thus be dismantled very quickly by rotating it through one-fourth of a turn, thereby releasing the teeth 21 from the groove 22, after which traction is applied to the endpiece 1, thereby disconnecting the piece 11 from the piece 17 and disengaging the piece 8 from the cone 7a. The tool can then be dismantled by causing the piece 17 to rotate counterclockwise, thereby unscrewing the threaded portion 12a.

FIG. 5 shows the top portion of the blender. As mentioned above, it is desirable for it to comply with sealing conditions that are as complete as possible. That is to say the case 3 must be completely sealed at its bottom end so as to avoid any splashes

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reaching the motor. Unfortunately, splashes are common because of the rotation of the tool. Thus, according to another characteristic of the invention, the air inlet and outlet for cooling the motor take place via orifices 34 and 38 situated at the top of the case 3. Air flow through the motor follows the path shown by the arrows (not referenced). The inlet orifices 34 communicate with a chamber 36 located above the motor when in its working position with the tool pointing downwards. Air flows downwards between the rotor 32 and the stator 33. Thereafter it rises via a cylindrical chamber 35 to escape via the orifices 38.

FIG. 6 shows a variant of the tool and dismountable endpiece assembly as described above. In this embodiment, the drive cage 10 is held captive in the bell-shaped endpiece 9 via a collar 29 having clearance which gives it two degrees of freedom, respectively axially and transversely. The hub 28 secured to the drive shaft 6 terminates in the leading portion thereof (to the right in FIG. 6) by a centering cone 24 for the drive cage 10. A lip gasket 25 is mounted between the drive cage 10 and the bottom surface of the endpiece 1. The hub and the cage have a ramp system enabling the drive cage 11 to be pulled against the hub 28 so as to compress the lip gasket 25 and thereby provide a first level of sealing. A second level of sealing is obtained by a fitting 26 which rotates while the tool is being driven against a face of a piece 27 which is made of ceramic, for example. The drive shaft 6 rotates inside the endpiece via two ball bearings 30. It is secured to the drive shaft of the motor as before. After the appliance has been used, this solution makes it possible to remove the endpiece and the tool for cleaning purposes. The removable endpiece 8, mechanically connected to

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the tube 2 and including motion transmission means, makes it possible to cover the metal pieces in such a manner as to present a surface that has no zones that might retain food.

In FIG. 7, the shaft 12 of the tool rotates in a cylindrical bearing 16. One end of the shaft 12 carries the tool 13 which, in the example shown, is a knife with three blades. The second end 12a of the shaft 12 is mounted inside the drive cage 11 by means of a drive hub 17. Sealing is provided, starting from the tool 13, by the bellows 14, e.g. of neoprene, with one side bearing against a surface of the piece 15 having a low coefficient of friction and constituted by graphite, for example.

When the appliance is in operation, rotation of the shaft 12 in the bearing 16 can give rise to an increase in temperature which cannot be dissipated when the bearing 16 is embedded in plastic, and thus thermally insulated from the bell 9, and this runs the risk of damaging the appliance.

In accordance with the invention, a heat conducting ring 39, e.g. made of stainless steel, is inserted between the bearing 16 and the bell 9. The ring is generally frustoconical in shape with its outer surface 40 in contact with the top portion 49 of the bell 9, and with its inner orifice 41 being a tight fit around the bearing 16 over a major fraction of its length. The ring 39 establishes a heat bridge between the bearing 16 and the bell 9, thereby enabling heat to be dissipated to the outside of the appliance.

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12. Claims 1-6, 8-9, 11-17, and 19-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hlavka et al. (US 6,273,601 B1).

The patent to Hlavka et al. clearly discloses a motor driven blender having multiple handles (3), (9, 13, 33, 34), and (10, 25, 36) adapted for user manipulation as seen in Figs. 1-4.

More particularly, the patent to Hlavka et al. discloses a power mixer 1 illustrated in the drawings that comprises a drive unit 2 with a drive motor accommodated in the interior of the drive unit 2, that is to say in the interior of the drive unit housing 3, such motor driving a drive shaft, with which, using a suitable coupling means 4, an interchangeable paddle rod 5 may be connected for torque transmission, the paddle rod having paddle means 6 at the its end opposite to the drive unit. During operation the power mixer 1 held so that the paddle means 6 dips into the medium to be mixed. The drive unit 2 is electrically driven. The power cable 7 leading to the drive motor is omitted in FIGS. 1 through 3 and only illustrated partly cut away in FIG. 4. On the housing 3 of the drive unit 2 a holding frame 8 is attached, on which two handles 9 and 10 are arranged, which are located on either side of the drive unit 2 and accordingly on either side of the axis 11 of the paddle rod. The power mixer 1 may be held in both hands by means of such handles 9 and 10. In FIG. 1 the position of use is depicted, in which the user holds the two handles 9 and 10, one in each hand, in a manner which is not illustrated.

If the power mixer 1 is not used, it can be put down on the adjacent floor 12. This function is integrated in the holding frame 8, which for this purpose defines a support

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face 13, whose perpendicular or normal direction 14 is aligned athwart the axis 11 of the paddle rod so that the paddle rod 5--when the power mixer 1 has its support face 13 resting on the adjacent floor--is spaced from the floor 12 and essentially parallel to same (FIG. 2).

The support face 13 is defined by a stand 15 as a part of the holding frame 8. In this case the stand 15 serves not only for standing the power mixer 1 on the floor 12 but also for holding the power mixer 1 when in use, since at the same time it constitutes the handle 9. The handle 9 is then formed by a transverse rib 16 of the stand, which extends athwart the axis 11 of the paddle rod and athwart a perpendicular 14 drawn to the support face. In the working example of the invention the U-like configuration of the stand 15 is such that on its two ends of the transverse rib 16 a limb 17 and, respectively, 18 is attached extending therefrom. Both the transverse rib 16 of the stand and also the two limbs 17 and 18 of the letter U contribute to forming the support face 13. The transverse rib 16 of the stand is arranged at the top when the mixer is in use. It is convenient for the stand 15 to be at least substantially constituted by an integral and suitably bent tube 19. The ends of the tube 19, i. e. the free ends of the limbs 17 and 18 of the stand, may be closed by terminal plugs 20. The portion of the stand constituting the handle 9, has a grip 21 produced by foaming synthetic resin on the preferably metallic material of the stand, such synthetic resin preferably being polyurethane. It will be clear that the support face 13 is so arranged and designed that the power mixer 1, when resting thereon, cannot topple over, even when the paddle rod 5 is attached.

As shown in FIG. 3 it is furthermore possible for the power mixer to be so stood on the floor 12 that the paddle rod 5 is directed upward away from the adjacent floor 12. For this purpose the two handles 9 and 10 on the top side 22, opposite to the paddle rod 5, of the drive unit 2, which in FIG. 3 is at the bottom, extend past the drive unit and together constitute a stand means 23. The portion, constituting the handle 9, of the stand 15 is consequently also a component of the stand means 23. The handle 10 opposite to the stand 15 extends essentially athwart the plane defined by the stand 15. Accordingly this handle 10, the drive unit 2 and the middle 24 of the transverse rib 16 of the stand, will be seen to be essentially flush with one line on looking in the direction of the axis 11 of the paddle rod. This means that there is a symmetrical arrangement with an equalized distribution of weight of the mixer when being used. On its side, on which there is the handle 10, opposite to the support face the holding frame 8 possesses a support or carrying arm 25 extending out away from the drive unit 2 more or less radially, and then upward and back again toward the drive unit 2, where the arm 25 comes to an end. Its terminal portion at the free end forms or bears the handle 10. In the illustrated working embodiment the handle 10 is constituted by half shells 50 secured to the support arm 25. In the working embodiment the support arm 25 also consists of a single piece of curved tube 26.

On looking in the direction 14 normal to the support face, the stand 15 will appear projecting past both sides of the drive unit 2. This is because the transverse rib 16 of the stand has a sufficient length. The arrangement is furthermore so designed that the support arm 25 projects so far from the drive unit 2 that, as seen looking in the direction

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of the axis 11 of the paddle rod, the drive unit 2 is arranged so that on either side it has an inward clearance from the connection line between the outermost point 27 on the on the support arm 25 and the outermost point 28 and, respectively, 29 on the stand 15. These two points 28 and 29 laterally to the outside on the stand 15 are formed by its limbs 17 and 18. If it is therefore imagined that a respective connecting line extends on each side of the drive unit 2 so that the line runs between the point 27, furthest from the drive unit 2, of the support arm 25 as far as the respective laterally outermost point 28 and, respectively, 29 on the stand 15, such connecting lines will extend with a clearance past the drive unit 2. This means that the drive unit 2 is protected on these sides if the power mixer 1 is placed on one of such sides or topples over.

The holding frame 8 comprises an U-like attachment part 30, which fits around the drive unit 2 and has its two lateral limbs 31 and 32 attached to the housing of the drive unit 2. The stand 15 is mounted on the end region of the two lateral limbs 31 and 32, one of the lateral limbs being connected with one of the two stands limbs 17 and 18 preferably by welding. Adjacent to the drive unit 2 the two attachment lateral limbs 31 and 32 of the stand extend in parallelism to each other. Then their limb parts 33 and 34 diverge from one another like a letter V toward the stand 15. The two lateral limbs 31 and 32 are connected together at the end remote from the stand 15 by means of a connecting part 35 fitting around the drive unit 2 so that the U-like appearance of the attachment part 30 results. The support arm 25 projects from this connecting part 35.

For adequately holding the attachment part 30 on the drive housing 3 at its two facing outer sides the latter possesses a trough-like recess 36, whose width is the same

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as that of the lateral limbs 31 and 32 of the U-like attachment part. In the illustrated working embodiment the two tough-like recesses 36 (of which only one is to be seen in the drawing) are delimited by two ribs 37 and 38 on and extending away from the drive part 3 between which the respective lateral limbs 31 and 32 are held. The lateral limbs 31 and 32 held in this manner are screwed to the drive housing 3 (by attachment screws 39). The attachment part 30 is made of flat strip material, which is conveniently in one piece and is suitably bent. The U-like attachment part 30 consists, like the stand 15 and the support arm 25 of metal, apart from the grip 21 and the handle 10.

The electrical drive motor in the unit housing 3 may be turned on and off by means of an on-off switch 40. In the present case it is a question of a press button switch. The on-off switch 40 is arranged on one of the handles and preferably on the handle 10 mounted on the support arm opposite to the stand 15. The handle 10 used for holding such grip may therefore also operate the switch 40. The electrical power cable 41, which extends between the drive unit 2 and the on-off switch 40, runs in a tube forming part of the holding frame 8 and in the working example through tube 26 forming the support arm 25. This means that the power cable 41 is protected and does not interfere with handling of the power mixer 1.

It will be seen from FIG. 4 that the tube 26 constituting the support arm 25 extends through the connecting part 35 of the attachment part 30 to the drive unit 2 where it ends. The power cable 41 extends through the open end 42 of the support arm 25 in same as far as the switch 40.

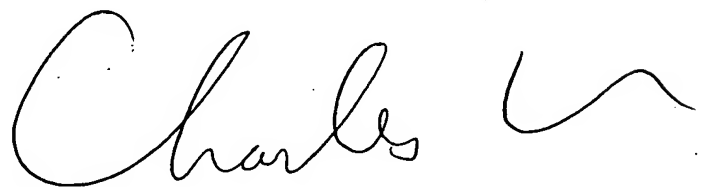
Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art discloses many motor driven tools having multiple handle arrangements and immersion blender designs.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, reading "Charles", followed by a stylized flourish.

Charles E. Cooley
Primary Examiner
Art Unit 1723

10 June 2005